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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 TALLON HODGES,

7 Plaintiff,

8 v.

9 DEPARTMENT OF CORRECTIONS, et al,

10 Defendant.

No. C09-5624FDB-KLS

ORDER TO SHOW CAUSE

This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a complaint and initiate legal proceedings plaintiff must pay a filing fee of \$350.00 or file a proper application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2):

A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

Plaintiff thus was required to submit a statement showing the balance and activity of his account for the six-month period immediately preceding the filing of his complaint. While plaintiff did submit a prison trust account statement with his application, that statement appears to cover only

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1 the periods of June 1, 2009, through June 30, 2009, and August 1, 2009, through September 15,
2 2009, rather than the entire six-month period as required.

3 Accordingly, the Court orders the following:

4 (1) Plaintiff shall seek to cure the above deficiency by filing **no later than November**
5 **8, 2009**, a copy of his prison trust account statement pursuant to 28 U.S.C. §
6 1915(a)(2) showing the balance and activity of his account(s) for the six-month
7 period immediately preceding the filing of his complaint.

8 **Failure to cure this deficiency by the above date shall be deemed a failure to**
9 **properly prosecute this matter and the Court will recommend dismissal of this**
10 **matter.**

11 (2) The Clerk is directed to send a copy of this Order to plaintiff.

12 DATED this 8th day of October, 2009.
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18 Karen L. Strombom
19 United States Magistrate Judge
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